

Local Government Employee-Management Relations Board E-Newsletter

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Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

Staff

Bruce K. Snyder, Commissioner

Marisu Romualdez Abellar,
Board Secretary

On the Horizon

The next meeting of the Board will be held on Monday, May 4th through Wednesday, May 6th, in Elko. The agenda for this meeting will be issued on April 27th. At this meeting the Board will conduct a hearing for case A1-046068, Elko County Employees Association v. Elko County. This case involves two female EMT's who allege that the county discriminated against them on the basis of their sex and for personal reasons in the allocation of overtime and work assignments, and then later retaliated against them.

The Board will also deliberate on two cases it heard earlier in the year. One is case A1-046108, LVCEA & Val Sharp v. City of Las Vegas. Sharp alleges that his discipline should be rescinded because he was acting in his union capacity during the events in question and not as an employee of the City of Las Vegas.

The other case is A1-046116, David O'Leary v. Las Vegas Metropolitan Police Department. Captain O'Leary alleges he was threatened with a demotion and change in shift for management's belief that he was instrumental in allowing a private citizen do a fly along in a helicopter so he could propose to his fiancée. O'Leary further contends he was coerced into an early retirement in order to keep his credentials. He alleges several violations, including a unilateral change to the bargained-for discipline procedure and discrimination based on personal and political reasons.

The Board is scheduled to set the assessment rate for the fee which funds the agency. Last year's fee was \$6.75 per employee. Staff is recommending that the fee be kept at its present level for the coming year.

Collective Bargaining Agreements Now on Our Website

The EMRB has an inventory of more than 200 collective bargaining agreements. In years past they were kept in file cabinets in our office – but no more! We are in the process of loading our collection of CBA's onto our website. You will be able to find them under the Resources section on our home page.

The CBA's will be divided into the major categories of (1) schools; (2) police; (3) firefighters; (4) general employees for cities; (5) general employees for counties; and (6) general employees for special districts. Under each major category the CBA's will be further subdivided. For example, school CBA's will be divided into teachers, support employees, administrators and others. We will upload additional CBA's every day until they are all uploaded, which should occur sometime in May. So check back every few days.

We hope that placing the CBA's onto our website will prove to be a valuable resource not only to our local governments and employee organizations but also to the citizens of our state and researchers who would like to review them.

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Regulations Workshop Concerning Election Rules

The EMRB will be conducting a regulations workshop on Wednesday, May 27th at 1:30 p.m. The required notice will be issued in a couple days, which will list the meeting locations and provide a full copy of the proposed text. The purpose of the regulation is two-fold. First, it proposes that any employee organization receiving a majority of the votes cast in an election be certified as the exclusive bargaining agent. For the past 12 years the agency, through Board orders, has required a majority of the votes of employees eligible to vote as the standard. Secondly, the proposed regulation would shift the cost of elections to employee organizations. Four alternatives related to this cost shifting are proposed for consideration. Below is the text of the proposed amendments:

Section 1. NAC 288.110 is hereby amended to read as follows:

288.070 Elections.

1. All elections conducted in accordance with subsection 4 of NRS 288.160 will be conducted under the supervision of the Board or its agent.
2. Any party may be represented at the election by observers selected in accordance with such limitations as the Board may prescribe.
3. Any observer or the Board's agent conducting the election may challenge for good cause the eligibility of any person to vote in the election. The ballots of challenged persons will be impounded.
4. Upon the conclusion of the election, the ballots will be counted in the presence of the parties or their observers and the Board's agent conducting the election. The agent will furnish parties with a tally of the ballots.
5. Except as otherwise provided in this subsection, the ballots must be kept for at least 6 months after an election, after which period the ballots may be destroyed. If a timely objection to the election is filed with the Board or a petition for judicial review concerning the election is filed in district court, the ballots must be kept until after the conclusion of any Board or court proceeding concerning the election.
6. Provisions may be made for a nonunion vote and for linguistic assistance.
7. ~~If the results are inconclusive, the Board will conduct a runoff election.~~ Subject to subsection 10 below, the employee organization, or nonunion vote option, which receives the majority of the votes cast in an election shall be certified as the exclusive bargaining agent for the employees within the bargaining unit. In any election where there are more than two choices on the ballot and none of the choices receives a majority of the votes cast, a runoff election shall be conducted. The ballot in the runoff election shall contain the two choices on the original ballot that received the largest number of votes. Subject to subsection 10 below, the employee organization which receives the majority of the votes cast in the runoff election shall be certified as the exclusive bargaining agent for the employees within the bargaining unit.
8. Within 5 days after the election, any party may file with the Board objections to the conduct of the election or conduct affecting the results of the election. The objections must be in writing and contain a brief statement of facts upon which the objections are based. A sworn original and four copies of the objections must be signed and filed with the Board. The party filing the objections shall serve a copy upon each of the other parties.
9. If challenges which affect the results of the election or objections raise a substantial question which cannot be resolved without a hearing, the Board may issue and serve notice of a hearing on these issues.
10. An employee organization will be considered the exclusive bargaining agent for employees within a bargaining unit, pursuant to an election, if:
 - (a) Challenged ballots are insufficient in number to affect the results;
 - (b) No runoff election is to be held;
 - (c) No timely objections are filed; and
 - (d) The election demonstrates that the employee organization is supported by a majority of the employees within the particular bargaining unit using the standard as mentioned in subsection 7 above.

In addition, there is also a proposed subsection 11, which would shift the cost of the election to employee organizations. Alternative A would split the cost between competing employee organizations. Alternative B would shift the cost to the petitioner. Alternative C would shift the cost to the winner of the election. Finally, Alternative D would shift the cost to the loser of the election. Moreover, alternatives A and B would require the employee organization(s) to front the estimated cost of the election. Then after the election is over a reconciliation of the actual costs would be made by the Commissioner and either a refund issued or else an invoice for the additional costs would be issued.

Please note that the workshop is but the first step in the adoption of any changes in the regulations and we welcome all interested persons to both attend the workshop and to voice their ideas and suggestions on the proposed regulation. Written comments are also welcomed.

In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

On May 5-6 the Board will meet in Elko and hear A1-046068, Elko County Employees Association v. Elko County.

The Board will hear two cases in June: A1-046123, Nye County Law Enforcement Association v. Nye County and A1-046113, Education Support Employees Association and Police Officers Association of the Clark County School District v. Clark County School District.

On July 14-16 the Board will hear A1-046130, SEIU, Local 1107 v. Clark County.

Finally, on August 11-13 the Board will hear A1-046133, SEIU, Local 1107 v. Southern Nevada Regional Housing Authority.

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard:

In Las Vegas:

A1-045847 – A1-045864, Deborah Boland et al v. SEIU, Local 1107 (second part of bifurcated hearing)

A1-046128, City of Las Vegas v. Las Vegas Peace Officers Association

A1-046138, Education Support Employees Association v. Clark County School District

2015-001, Bramby Tollen v. Clark County Association of School Administrators et al.

Speakers Bureau

If you are interested in having the Commissioner speak at one or your upcoming meetings please contact the EMRB at the telephone number or e-mail below. In the past year the Commissioner has spoken before the annual conference of the Nevada Association of Counties, a monthly meeting of the Nevada Public Labor Relations Association and the annual conference of the Working Assembly of Government Employees (WAGE). In May the Commissioner will be addressing the annual conference of the Nevada Chapter of IPMA-HR, which will be held in Las Vegas.

Electronic Filing Update

On February 17th the agency started accepting documents via electronic filing instead of either having to mail them or walk them to our office. Since then virtually all documents filed have been through this new system – and we have heard many good comments about how easy it is to do so! Also, don't forget that most stipulations to extend the time to file documents can now be approved by the Commissioner instead of waiting for the next Board meeting. Most stipulations are now approved within the hour! Please do not hesitate to call our office for more details on these new programs.

"About the EMRB"

The Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between local governments and their employee organizations (i.e., unions), provides support in the process, and resolves disputes between local governments, employee organizations, and individual employees as they arise.